

A DECLARATION³ of the iust causes of his

Majesties proceeding against those Mi-
nisters, *vvho are now lying in Prison,*
attainted of high Treason.



S his Majesties fatherlie care hath e-
uer bene so great towards his people
and louing Subjects, as he hath not
onely bene carefull to gouerne them
by iust and equitable Lawes, but like-
wise hath euer had a speciall respect
to the true and right information of
their mindes as touching all his publique Actions and
proceedings: So for this purpose hath euer from time to
time by publique Declaration and Proclamation inter-
preted and explained to all his louing Subjects his true
intention and sinceritie of his meaning, that thereby his
subjects knowledge of his wil, and of the grounds mouing
him there-vnto, being joyned to their duetifull and natu-
rall inclination of obedience, a reuerent loue together
with a feare to offend, might be continually encreased and
nourished in their harts, their obedience not proceeding
of a naked feare, but from a feare mixed and strengthened
with loue for good reasons, and founded vpon a good
conscience and cleare knowledge of the trueth.

And as this his Majesties fatherly care hath euer since
his maioritie of yeeres most clearly appeared in all the
points of his Highnes gouernement in this his kingdome
of Scotland: So now vpon that late occasion of the re-
bellious and traiterous misbehauour of some particular



DECLARATION

OF THE IVST CAVSES OF HIS

Majesties proceeding against those Mi-


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attainted of high Treason. 10 January 1606

Set forth by his Maiesties Counsell of his

Kingdome of Scotland,

Kingdome of Scotland, 1000
This was written by Sir Thomas Hamilton the Kings Advocate, and published in
april 1606.

1606. No warrant of confidence of law, of
a liberator, nor yet respect of private
interest. W.  the liberator. pa

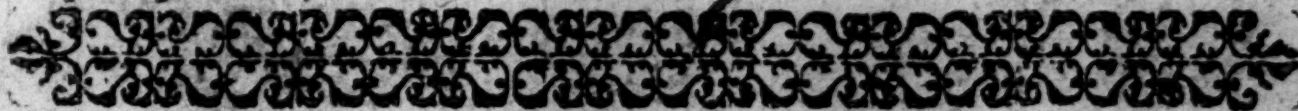


fulcrum

N. B. B. B.

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The report of Stansbury was not
properly taken up as a subject
of discussion.



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NOTIFICATION

OF THE FIRST THREE OF HIS

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Ministers within this kingdome, his Maiestie continuing his former louing custome towards his Subiects, hath thought conuenient to set out this present declaration for satisfaction of his Highnesse subiects of all rankes, concerning his Maiesties course and proceedings in this case.

And because he hath iust reason to conceiue, that if any of whatsoeuer estate or degree of his Maiesties Subiects be so vndutifull, as to haue any scruple of the Iustice and necessitie of his Highnes proceedings herein, it doth onely proceede of ignorance or mistaking the truth of his Highnes actions. His Maiestie is therefore moued to thinke that there can be no so good and sure way for true information of all his subiects, as to set down vnto them the true state of the question, together with all that hath followed and risen there-vpon, The mistaking whereof (his Maiestie doth assure himselfe) is the only cause from whence all scruples in some mens harts (if any be) doe spring and proceed.

His Maiestie for the three or foure last yeeres together before his departure out of this kingdome, being caried with a most ardent zeale and earnest affection to the advancement of Gods glorie & establishing of the religion presently profest, neuer spared to vndergo in his own most Royall and sacred Person almost intolerable pains and fatery for preuenting of all disorders & corruptions which crept into the Church, and for setting down and establishing such a solide and comely forme of gouernment as might be able to preserve the purity of our Profession, and procure the establishing of a solide peace and quyetnes in the Church. And for that cause he was euer present at all the frequent meetings and Assemblies of the Ministrie in this kingdome. And if his Maiesties affaires and other incident occasions had beene such as he could not be able to
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keepe the appointed place and dyet to the which he had called the Assembly, his Highnesse did euer carefully pro-rogate and continue it to such other time and place as his leasure might permit him to be present at the said meeting. And as his Maiestie by those his trauels had already put this our Church in a good beginning and forwardnes of a good order and frame: So he no way doubteth, but if he had made any longer stay amongst vs, he would with Gods assistance haue brought it by this time to a reasonable and expected perfection. But such is the malicious enuy of the euil disposed sort, grudging at the progres of any good matter, that some of those Ministers who euer had beene hinderers and crossers of that good worke as far as they durst euen in his Maiesties own presence, conceiting with themselves, that now in his Highnesse absence from this Countrey (with whom they supposed al memory & regard both of Church & Common-wealth had bene altogether forgotten and neglected) and that by reason of the assignment of a day in the month of Iuly last past, for keeping of an Assembly (betwixt the appointment whereof and the tyme it selfe, interueened that most happie and necessarie cause of his Highnesse going into England) they thought a verie fit occasion was offered to them for prosecution of their intentions. And therefore they endeuored to the vttermost of their power, to reuerse and ouerthrow al those good orders & godly constitutions formerly concluded for keeping of good order in their Church. And partly, by secret suggestion of false calumnies to the simple and ignorant, and by plotting and combination with those of more turbulent spirits, who knowing that their owne inhabilitie would impeede them to be any way preferred, made choise with the Camell to drinke in muddy water, and by perturbing of matters rather to ouerthrow all good.

good order, then that by setting of the Church-gouernement, the vertues of others, and their vyces and imperfections should be clearly discovered and distinguished.

Therefore to assure themselves the better of the compassing of this their desseigne, they spared no tyme, nor left no meane vnaflayed to preoccupy mens opinions, to anticipate their votes, and to make vp a strong faction against the meeting of that Assembly, thereby fullie intending to bring the estate of this Church to a most euident confusion and disorder.

Vpon some notice of the which mischeuous plots and Machinations, his Maiestie considering, that his absence from that future meeting of Assembly, and the neere approaching of the time appointed for keeping thereof were embraced by those turbulent spirites as fit opportunities and good occasions offered vnto them so to ouer-rule that matter by thus preparing and packing vp of votes before hand, that howfocuer the better sort should oppose themselves there-vnto, yet they should be sure to make the estate of this Church without any rule at all: And therefore his most Excellent Maiestie continuing in that fatherly care which he euer caried to this Church and Realme, by his Highnesse Letter signed with his own hand, directed to the Commissioners of the generall Assembly, signified vnto them his speciall pleasure and will, That that meeting and assembly appointed to haue beene the second of Iuly now last past, should be deserted; and that no new Indiction should be made eyther of day or place without his Maiesties consent. And thereafter he desired that some of the Bishops, and also some of the best, wisest, and most religious of the Ministry should repaire towards his Maiestie with all conuenient speed, that his Highnes with their aduice might not onely resolve vpon all such grounds

gronnds as were fittest and most expedient for the settling
 of the Peace of the Church, but might also appoint some
 fit and convenient day and place for holding of a new As-
 sembly. Vpon the receipt of the which Letter, the said
 Commissioners of the Assembly, by their Missiues dire-
 cted vnto all the Presbyteries of the kingdome, certified
 them of his Maiesties pleasure and will, concerning the
 deserting of that meeting; Willing them that they should
 not in any case send their Commissioners to keep that day
 formerlie appointed, and now by his Maiesties warrant
 deserted, but that they should expect the appointing of a
 new day and place for keeping of an Assembly. But so far
 were some of the Ministrie from making any accompt of
 his Maiesties directions (a thing most detestable in anie
 Subiect, much more in anie of the Ministrie, whose do-
 ctine, life and whole actions ought to be Lanterns to o-
 thers of all duetifull obedience to their Prince) as by the
 contrarie in plaine contempt thereof, most seditioullie
 they conuened at *Aberdene*. And being guiltie to themsel-
 ues of their owne inhabilitie, vnworthinesse, and small
 giftes, conioyned with a bad inclination, they being in
 despaire that in doing good they should ever become
 memorable, and ouerruled with a burning desire of vaine
 glory, resolved by ouerthrowing the gouernement of this
 Church, and by inducing all disorder thereinto, to make
 themselues (at least for their euill) famous with that some-
 time burner of the Temple at *Ephesus*. And howsoeuer
 the aduertisement of his Maiesties pleasure and will for the
 deserting of the said Assembly sent by the Commissio-
 ners, was duetifully resaued and willingly obeyed by the
 whole Presbyteries almost of this kingdome: Yet some
 few Ministers (not exceeding the number of eightene or
 nineteene persons at most, over-ruling the rest of their
 poore

poore brethren of their eight or nine seueral Presbyteries, ouer whom, by reason of their said brethrens simplicitie, and their own craftinesse, they had got in time past verie much aduantage, and had them in a manner tyed to their girdles to consent to any thing what soeuer) so brought it to passe, as by their procurement, the declaration of his Maiesties pleasure was contemned, and they themselues chosen Commissioners to that meeting which by his Highnesse commandement was deserted.

And we of his Maiesties Counsel fearing that the presumption of those few (howsoeuer in words professing, yet in their deeds directly impugning his Maiesties authority Royal, vnder a coloured pretext of their zeale to Religion, which alas is now most detestably abused as an ordinarie couer and excuse for euery treason & trespass) thus conuening without regard of his Maiesties command made to the contrary, might be a dangerous preparatiue to the whole Estate, considering that those who should be the teachers of others, were now become the onely violators of their obedience to their most gracious & religious Souereigne: Therefore we directed S. *Alexander Strayton* of *Lauvrenston* Knight to the said Brough of *Aberdene*, with special warrant and commaundement to prohibite and discharge that few number of Ministers from conuening at al; & also by a special Missiue written vnto them, were signified his Maiesties pleasure concerning the deserting of that dyet. Notwithstanding the publication of which charge at the Market Crosse of *Aberdene* the day before their meting, they being all in Towne, & of the deliuey of our Letter, the next day thereafter they being al conuened, were so far from carying any respect to the charge which was directed & executed in his Maiesties name, or to the Missiue sent from vs, or to the bearer being his Maiesties commissioner in church affairs, as

as the first being contemned directly, the Letter was superficially answered, and the bearer (whose presence at all their doings was ordinarily most necessary) was nevertheless at this time excluded forth of doors all the time of their keeping that Assembly till the end thereof.

A particular relation of all which circumstances being faithfullie made to his Maiestie, his Highnesse tooke occasion with his owne hand to pen a Declaration, whereby not onely all pretext of excuse or defence which may be pretended by these Ministers is clearly refuted, but also their proud contempt and disobedience is made so manifest, as we doe fully assure our selues, no scruple of doubt will remaine with any who is not peruerfly preoccupied to distrust all veritie.

The Declaration we haue presumed to insert in this place, as it came from his Maiestie himselfe, and is this.



BEcause this unruly handfull of Ministers that made the fashion of keeping of this pretended Assembly, together with their Associats and Allowers, doe so much bragge of the equity of their cause, and wilfully maintaine that the ground of their proceedings was most just and necessary, and if any error was therein, it was onely in forme, which proceeded out of necessity, in respect of the vnlawfull restraint of their libertie, as they alledge: We haue heerefore thought good to set downe most succinctly and shortly the viue Anatomie of their actions, and true state of their cause; to the intent that power being joyned to reason (as euer hath beene our constant forme of proceeding) in all our gouernment, their nakednesse being cruelly discouered, the due punishment to be inflicted vpon them, may the better

appeare in their owne collour as wel as their transgression. And therefore whereas they bragge of warrant of conscience, warrant of law, the due oblation of their owne customes and liberties, and the respect of the weale of the Church, as the true motives of this their vnruelie and seditious contempt; The contrarie of all these shall be made clearely to appeare.

And first for warrant of conscience for their generall Assemblie, which they terme the Counsell of God, in the whole oulde Testament they will not claime to any warrant of a generall Assemblie; And in the whole newe Testament they can alledge no warrant for generall Assemblies, but that conuention of the Apostles at Ierusalem mentioned in the Actes of Apostles, which indeed was an vniuersall counsell of the whole Church, & no wise like to a particular Scots general Assembly and therefore they must leaue the Scripture, and haue recourse to the example of the Primitiue Church for warrant of particular Nationall Counsels; To which warrant we are assured that they will be ashamed to claime, in regard many rites and ceremonies, such as Vestiments, Crosse & Confirmation, will be found in the same Primitiue Church, which they do vterly abhor. And since the Emperours (how soone they became Christians) had the onely vndoubted authority in their persons of conuening general counsels, which never was taken from them while the Pope ascended to the hight of his abominations; how much lesse ought that authoritie be denied to a Christian Monarch in the assembling of a Nationall Counsell of his owne Subjects, who hath far greater and iuster dominion ouer his owne people, then any vsurping Emperour could claime ouer the face of the whole earth. And if they will alledge the new purest writers in our daies, professors of our Religion that by their Missiue Letter both to the Prince and state of the Church of Scotland (they haue wished the holding of frequent Assemblies in that Countrey) but alwaies by the Kings permission) as a meane whereby both doctrine and discipline might be maintained without disturbance, and much good thereby procured in the Church of God; yet those very arguments of theirs doe declare, that they onely perswade it by way of aduise as a thing very conuenient, and did not set it down as a
rule

rule of necessitie and an infallible law.

Next as to the warrant of our law in that kingdome, It is first to be generally obserued that no priuiledge that any King giues to one particular body or state within the kingdome of conuening and consulting among themselues, is to be vnderstood to be *Prinative* giuen vnto them, and so the King thereby depriuing himselfe of his owne power and prerogatiue, but onely to be giuen *Cumulative* vnto them (as the Lawyers call it) without any way detuding the King of his owne Power and Authoritie. As for an instance (which hath beene too frequent in all this Isle all these yeeres past, sauing the pleasure of God) Euerie Bourgh Regail hath their owne times of publike markets allowed vnto them by the Law, and the Kings Priuiledge: But when the plague hapened in any of these townes, did not we by proclamation discharge the holding of the market at that time for feare of infection, and yet thereby did no prejudice to their priuiledges, neither did any of them ineptly murmur, much lesse enter into that high contempt as to say they wold obey the Kings Lawes in keeping their priuiledges, and not the particular restraint thereof at that time for necessary causes.

And as to the nature of their particulare priuiledge in holding of Assemblies, they haue in this their last pretended Assembly broken the limitations of that priuiledge that is clearly set down in the first Act of the Parliament, in the 92. yeere, which is the latest and clearest warrant for their Assembly. For there it is specially provided, That as we giue them licence for holding of their Assemblies once in the yeere, or oter as occasion shall require, (which proues that al their power only proceeds from vs) So must it not be conuened without our own presence or the of our Cōmissioners, nor no day nor place set down for the next assembly but by Our or our Cōmissioners appointmēt, except we be not pleased neither to go in our own Person, neither to send any for assisting the said Assembly. And how these limitations haue bin obserued by them at this time, let the world iudge, first in not only refusing the presēce of our Cōmissioner, but most cōtemtuously & injuriously barring the dore vpon him; & next in setting downe the dyet of the next Assembly, without either his

priuie or consent.

And as to the third point of their justifying themselves by the warrant of the constitution and custome of their owne Church, we would know what warrant they haue for holding of a new Assembly without the presence either of the Moderator of the last, or of the ordinary Clarke of the Assembly: The Clarke specially at that instant being dwelling in that same town where they conueened. For their custome hath euer beene, that the Moderator should cal for al the Commissioners name by name, should see their commissions from their Presbyterie, should giue them the lytes for election of a new Moderator, and make their names (the parties being remoued) freely to be voted among them; but first of all the Moderator ought to preach vnto them, and out of the word of God teach them their duety at that meeting. But as this their pretended Assembly was kept in contempt of our Authoritie Royall: So had it (praised be God) no beginning at the word of God, without the which order in their proceeding, we would know what might let as many sundry generall Assemblies to be conueened at one time in diuerse places of that Countrey, as there are seuerall numbers of nineteene Ministers through the Countrey: And so there should be at one instant far more generall Assemblies in Scotland one against another, then euer there was Popes in one time in our aduersarie Church. And if they would alledge that the straitnesse of these euill daies (wherein they liue) compelled them to omit diuerse of their auncient and louable customes, that cannot but imply a direct accusation of our tyranie, for which this answer may suffice, That besides our knowne sincerity in Religion and constant loue to do Iustice to all our people: They can neuer alledge that they did so much as to send a petition either to our selfe, or in respect of our absence to our Councell there, for permission of this Assembly. For whereas they alledge that this day was continued by vs and the Commissioners of the Church without affixing a new dyet; We thinke the least they could haue done, had beene humbly to haue craued the appointing of a new dyet, and patiently to haue expected either our answer, or our Counsels there vpon, rather then by this their outrageous

rageous contempt to haue proclaimed either our vnjust persecution of them, or else (which is the truth) their arrogant and seditious disobedience.

And lastly, how carefullie they respected the weale of their Church in this course, it is manifest to the world: First, by needlesse irritating against them their ancient, lawfull, religious, and most mercifull King, whereas they might haue come to their owne end by their mylde behauiour and due obedience. And next by making as needlesse a separation betwixt all the rest of their learned, wise, graue & duetiful brethren, and them, who for their parts are in this case according to their quality as far lightlied and disgraced by them, as we are disobeyed. And thirdlie, by bringing on a publike scandall heereby vpon their profession, as rebellious to so religious and iust a King, whereby the aduersaries of our Religion (who like roaring Lyons goe about to watch such opportunities) may fill their new books and pamphlets with such scandalous memorials against our Religion. And lastly, what charitie they haue by this their behauiour vsed towards their puritaine brethren in this Countrey, they themselves may easily gesse, hauing by this their contempt done nothing else, but animated and spurred vs to the straiter animaduersion and order taking with them; lest otherwise, as they are both fauorers of one Discipline, so they may some day by their example (if they had as great liberty) giue prooffe of their like disobedience and contempt of our authoritie.

NOW leauing it to euery one to obserue both the Patience and Pietie of a most puissant Prince: His Patience, that after so great a contempt committed by so meane, base, and abiect persons, who were neuer any way remarkable as men of great giftes, but were specially noted of too great a desire to be made famous, if by no other meanes, yet at least by their troubling and ouerturning of matters: And although his Maiestie had most iust cause of offence against some of them for the great Oversight
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in former time, and that others of them had most vndoubtedly in that same action made breach of some promises made by them vnto requyred, to his Maiestie himselfe very few moneths before: Yet so superabundant was his lenity and patience towards them, that after the committing of the contempt, they were not committed presently, but suffered to stay at home at their owne houses: neither were they presently brought to their answer, but his Maiestie most patiently in hope of their repentance was pleased a long time to supercede the ordinary course of law against them. And heerewithall his Maiesties Pietie doth most clearly shine, that being euen since his infancie a most gracious nurse-father of the Religion professed, and protector of the professors, but specially of the teachers of the same. And notwithstanding that the contempt committed was so hainous, as by the ordinary course of Iustice, his Maiestie might presently haue bene auenged of those disdainers of his Authority and Royal commandements; yet so far was his Maiestie from any rigorous proceeding against them, as by the contrary to the intent to recal them back, who were now so far astray out of the path-way of obedience, (a most pittifull, yea a most abominable thing in a Minister) it pleased his sacred Maiestie most graciously of himselfe to set downe that former Declaration, that vpon the view thereof, these Ministers might see their offence, confesse their guiltinesse and craue pardon. Wherein howsoeuer some of them were euer all their life, and likewise at this time so rammage that they could not be recalled by any lure; yet were sixe or seuen of that number of nineteene which first conueened, so moued and touched with that open discouery made by that Declarator of their oversight, as in all humility before the Lords of his Maiesties Counsell then present, protesting their great sorrow

row for their offence, excusing themselves vpon their ignorance, and purging themselves of all wilfulnes in that action, they besoght their Lordships to be mediators at his Maiesties hands for a pardon to them. Who presently vpon their humble submission (according as his Maiestie had bene pleased to signifie his wil & minde to his Counsell) wer dismissed and sent home to their houses, to attend their charge and ministerie ouer their own flocks. So far was his Maiesties hart from intending any rigour against any of that profession, as by the contrary by his Maiesties present pardoning of them vpon their submission, it doth manifestly appeare that his Highnes was far more willing and ready to embrace their penitence with clemency, the they could be capable to deserue the same; imitating here in the great King the king of all kings, who neuer desireth the death, but the amendement of the sinner. And yet it is most true, that those so dismissed vpon their humble submission and repentance, were men of no lesse gifts but of far greater sincerity, knowen good life and conuersation, and nothing inferior to those others which remaine still obstinate, but in vnquyetnes of spirit, hautines of minde, and desire of breaking the peace of the church. But before any further be touched of their conuenting before anie Iudge, or that any relatiō be made how by their pertinacy of maintaining the first fault (being a most presumptuous riot) they came next within the compasse of no lesse offence then Treason: It is not vnmete that the very point of their first crime, for which they were brought in question, to answere before vs his Maiesties Counsel, wer clearly set downe, as well to refute those vaine subterfuges of excuses and pretexts they make for their obstinacie, as to remooue from the godlie, religious, and well disposed Subiects, all scruple of anie such matter whereof those

Ministers

Ministers and their favorites by lying rumours would sow the fields amongst the simple sort, whom they very well know, and we often finde to be too credulous of every false report.

As therefore the keeping of a generall Assembly was not the matter in question: So is it of verity, that by this accusation against these disobedient Ministers, there was nothing laid to their charge concerning the lawfulnessse or vnlawfulnessse of a generall Assembly, nor yet of the power and limits thereof; but that they had vnlawfully made a priuy Conuenticle, not onely directly repugnant, and against his Maiestie and Counsels charges and direction, but euen as well against the continuall custome and practise of the Church, as their present consent which was well witnessed by all the Presbyteries, abstaining from directing any commissioners thither, sauing that smal number of Presbyteries already recited, whereof they were the Commissioners, for they not onely disobeyed his Maiesties Authoritie, who had discharged that time and place of meeting, but euen the will and direction of their owne Church, whose disassenting to their proceeding, was not onely manifested by the Commissioners of the generall Assemblies Letter, certifying all the Presbyteries of the deserting of the said Assembly, but also the Church did by their not sending of Commissioners to that dyet, cleerly demonstrate their obedient acknowledgment, and acquiescing to his Maiesties will in that behalfe, of whose power and lawfull Authority in appointing or continuing the tymes and places of meeting of Assemblies they neuer doubted, being so often practised, (as is already rehearsed) in his Maiesties owne Person, and declared to be his prerogative by that same Act of Parliament by which they are warranted to keepe the said Assemblies. And if those

those Ministers who stand so obstinate in defence of the assembly, (which they must confesse hath onelie warrant from that Statute in 92.) would consider howefarre the Prince may dispose of the meetings of the Parliament it selfe, as either to prolong, hasten, or desert the meeting thereof, and being conuened may dismisse the same without doing anything at al therein: What foolish prerogative and superminence is this (seeing they must needs acknowledge themselves subalterne) which they wold claime aboute the most supreme, high and honourable meeting of the whole Kingdome? except it be as so many Popes in their owne conceit, they would exempt themselves altogether from al Secular power. And so the particular cause where-vpon these Ministers were conuented before vs, was nothing else, but that they most seditiously, contemptuously, and in plaine disdaine of his Maiesties Princely commandements and auctority Royal, did conuene themselves in a priuie conuenticle, which they (wronging not onely his Maiestie but the Church, as is already declared) proudly, seditiously, and most falsly termed and mainteine to be a generall Assembly, notwithstanding of his Highnesse pleasure and will signified to them and their Presbyteries by Missiues from the Commissioners of the general Assembly, that the meeting appointed at *Aberdene* should desert: And notwithstanding of the prohibition by publique Proclamation at the Market Crosse of *Aberdene*, and of our Letter sent vnto them by the said Sir *Alexander Strayton*.

And how vnlawfull and vnduetifull their pretended excuses are, being grounded, as they alledge, vpon the fear which they conceiued of the suppressing of their Assemblies, and ouerthrow of their Discipline by the deserting of that Assembly once appointed, let the world iudge;

since not onely his Maiesties zeale and care for the maintenance of the Religion is well knownen to all men, but euen in speciall his great loue to this people, in not intending to lay vpon them any new formes or ceremonies, is well manifested of late, by that Proclamation which his Maiestie hath caused to be published for clearing of all such doubts out of his peoples hart: The tenour whereof followeth.



Whereas we haue euer since it pleased God to establishe vs in the Imperiall Crowne of *Great Britaine*, equallie regarded the good of both the late Kingdomes of *Scotland* and *England*, now happily vnited in our Royall Person in one Monarchie, euer minding to maintaine and continue the good and louable customes and Lawes, whereby each of them hath bene these many ages so worthily gouerned: Neuertheless some malicious spirits, enemies to that common tranquillitie so much desired by vs (forgetting the many proofes both publique and priuate, which we haue giuen of that our gracious affection to that our natie and auncient Countrey of *North-Britaine*, of the freedome, libertie and priuiledges, whereof we haue at all occasions taken so speciall a patrociny, as the solemne Assemblies of the Estates of *South-Britaine*, and Commissioners from the Estates of both Kingdomes haue bene eye-witnesses) haue not bene ashamed to labour to peruert the myndes of our best affected Subjects, That whereas the insolent and factious carriage of some of them hath merited most seuerer animaduersion, they would insinuate themselves in the commiseration of the multitude, by assuming vnto them a glorious profession of the maintayning of the Priuiledges and auctorised Discipline, intended by as (as they affirme) to be vtterly ouerthrowne by a suddaine and vnseasonable laying vpon them at this present the Rites, Ceremonies, and whole Ecclesiasticall order established in the Church of this parte of our Kingdome of *Britaine*. And

as

as wee haue euer carefully regarded how conuenient it is to maintaine euery Countrey in that forme of gouernment which is fittest and can best agree with the constitution thereof, and how dangerous alterations are without good aduyce and mature deliberation, and that euen in matters of order of the Church, in some small Islands vnder our Dominions, wee haue abstained from suffering any alteration: So doubt we not, but our good Subjects will neuer be that credulous contrary to the knowen truth, which hath euer appeared clearly in all our Actiones, as to be in any doubt, but as in all our proceedings vve haue bene a Patrone of Religion and Iustice (two inseparable conseruers of all Monarchies,) So hath all our studie and care euer bene to retrinch and reforme all courses that carried any prejudice to that integritie vwhereat we haue euer ay-med, and as by so many good Lawes fet forth in our gouernment, Iustice hath attained to another perfection and splendour, then it had in anye our Predecessours tymes, and with painefull and vnpleasant businesse, we haue in the Discipline of the Church taken away innumerable abuses and corruptions, vvhich if they had not bene remedied, had brought the puritie of Religion in extreeme danger. Yet we hope that none dare bee so impudent as to affirme that by our Souereigne power, or absolute commaundement we did the same (although wee enjoyed our Auctoritie as freely as any King or Monarch of the World) But as the disease of the Ciuill bodie was euer cured by the aduyce of our three Estates, So the defects of the Church by the helpe and counsell of those vvhich had greatest interest in them; So as the presumption of our by-gone Actiones in our administration, vvhiles vvee vvere present, the prooffe of our fatherlie care towards that parte of our Kingdome since our residence heere, may be sufficient to secure vs against all such malicious calumniationes. And howeuer in rule of Policie we cannot but judge it conuenient that two Estates so inseparablie conioyned, should be drawn to as great conformitie in all thinges, as the good of both may permit; And that no Monarche either in ciuill or Ecclesiastical pollicy hath yet attained to that perfection, that it needs no reformation, or that

infinite occasions may not arise where-vpon wise Princes will foresee for the benefit of their States, just cause of alteration: Yet are We and haue euer bene resolved, not to make any suddaine or hasty change in the gouernment of that parte of our Kingdome either Ciuill or Ecclesiasticall, but with graue aduice and consent of our Estates, and the wisest and best sort of them whom it most properly concernes, much lesse to trouble them with any vnnecessary alteration of indifferent and Ceremoniall matters, and that vpon such foreseene aduantages and preuention of confusion and euill to come, as the greatest enemies of all Peace, obedience to Princes, and order in all gouernments shall not obtrude any inconuenient to the contrary. And as by Gods holy assistance, we haue drawen that part of our Kingdome out of infinite troubles, factions, and cruell barbarities, & reduced the vttermost borders and confines thereof to Gods obedience, and acknowledging of our Lawes; (an estate neuer heard of before, since this Iland hath bene inhabited) So by the same diuine prouidence and fatherly care ouer the whole Iland, we intend to transmit the same in good order, happy quyetnesse, and flourishing policie to that Posteritie wherewith God hath blessed vs, and after them to the worlds end; Like as for the more verification of our Honourable intention, and to stop the mouthes of those vnquyet spirites, rayfers of that false scandall of alteration, We haue appointed a generall Assembly to be holden at *Dundee* the last Tuesday of Iuly, whereat we expect reparation of those disorders in so farre as belongeth to their censure, and to be freed in tyme comming of all such calumnies.

Giuen at our Honour of Hampton Court the xxvj. day of September 1605. yeeres, In the third yeere of our Reigne of *Great Britaine, France and Ireland.*

After the Publication and Imprinting of which Proclamation for indiction of a new Assembly, it being still hoped by vs that those Ministers remaining in Ward, vpon the sight of their owne offences, with repentance for the same, should humbly haue besought his Maiestie for pardon;

pardon; yet did their obstinacie still continue, justifying al
 their proceedings, as if they had committed no crime at
 all. Where-vpon we of his Majesties Counsell fearing the
 imputation of vnduetifull and vndiligent seruants, if by
 this our procrastination (vpon vaine hopes) of the triall of
 their offence, we should leaue it vnder the hazard of euery
 ones censure to be judged by the multitude, according as
 their particular conceits should lead them: It was there-
 fore thought meete to call them to their answer before
 vs, for that their most seditious, proud and contemptuous
 disobedience to his Majesties commandement and prohi-
 bition. Being called vpon and all present, and enquired
 what defence they would make for themselves, either to
 justify or excuse that their intolerable riot and contempt,
 first by speech, and then by writ they gaue in the declina-
 tor following, as disclayming themselves altogether from
 any subiection to his Majestie, and his Counsell, making
 all their Actions whatsoever fort (by their owne interpre-
 tation) to be meere Spirituall, and that their meeting the
 second of Iuly last at the Bourgh of *Aberdene*, was such an
 essentiall Ecclesiasticall matter, warranted by Gods word,
 that therein they did no offence. And if any they had done,
 the Counsell of any secular Prince was no way to judge
 them, but their owne Assembly. A most lewd and vaine
 position: It being a certaine and infallible Maxime in the
 Law, that their answer could not exceed the limits of the
 libell and accusation: And therefore they being onely ac-
 cused at that time for such a private and vnlawfull misde-
 meanour, their declinator could not but directly deny his
 Majesties auctoritie in that particular point. Whereof we
 haue likewise set downe the tennour.

MY Lords of secret Counsell; Pleaseth your Lordships,
 The approbation or disallowance of a generall Assem-
 blie, hath bene, and should be a matter and cause Spirituall, and
 alwaies cognosced and judged by the Church. as Iudges com-
 petent within this Realme. And seeing wee are called before
 your Lordships to heare and see it be found and declared, That
 we haue very contemptuoullie and seditioullie conuened and
 assembled our selues in a general Assembly at *Aberdene* the first
 Tuesday of Iuly last, and therefore the said Assembly. and ap-
 probation thereof decerned and declared to be vnlawfull, as at
 more length is contained in the summonds executed against vs
 thereanent; We in consideration of the premilles, and other rea-
 sons to be giuen by vs, haue just cause to decline your Lordships
 judgement, as no waies competent in the cause aboue specified.
 And by these presents we simpliciter decline the same, Seeing
 we are most willing to submit our selues to the triall of the ge-
 nerall Assembly onely Iudge competent. By these presents
 subscribed with our hands as followeth, At *Edinburgh* the 24.
 day of October, the yeere of God 1605. yeeres, *Sic subscribitur*,
M. Iohn Forbes, M. Iohn Welthe, M. Iohn Munro, M. Androe
Duncane, M. Alexander Strachane, M. James Greig, M. Wil-
liam Forbes, M. Robert Tongston, M. Nathan Inglis, M. Charles
Ferre, M. James Iruvin, M. Iohn Sharpe, M. Robert Darie, Iohn
Rosse.

THis Declaration being repelled, and they hauing v-
 sed some other friuolous defences with more losse of
 time then vttering of any matter, at last all being repelled
 they were found to haue conuened most vnlawfully con-
 trary to his Majesties warrant & charge giuen to the con-
 trary. And being returned to their seuerall prisons, vpon
 aduertisment giuen to his Maiestie of the whole procee-
 dings in that Processe before the Counsell, and of that
 proud presumption of those Ministers in propounding the
 said Declinator, without any respect to that Acte of Par-
 liament

liament made in Maij 1584. or any paine which they incurred by doing thereof (which was, That any persons either Spirituall or Temporall presuming to decline the Iudgement of his Maiestie and his Counsell in any matter whatsoeuer, shall incurre the paine of Treason) therefore his Maiestie presently sent his Royall direction to his Counsell, that the ordinary course of Iustice according to the Lawes of this his Highnesse Realme, should proceede against those Ministers, who by the propounding of that Declinature had made a plaine denyall of their subiection to his Maiestie, and of his Royall power and Authoritie ouer them. Where-vpon sixe of them beeing then in Prison within the Castle of *Black-nesse*, were vpon the tenth of Ianuarie last brought to his Maiesties Bourgh of *Lincolne*, and there presented vpon panell before his Highnesse Iustice being the ordinary Iudge of all matters Criminall, who had joyned to him a great number of Noble-men and others of his Maiesties Counsell by his Highnesse Commission to assist the said Iustice in that matter. And their Inditement being grounded vpon that first Statute made in Maij 1584. and vpon that their presumptuous Fact in declining the Counsels iudgement when they were first brought to their answere, they wer then demanded what they could say for themselves before the matter should passe to the tryall of a Iurie. And notwithstanding that some of their owne brethren, vpon earnest request to the Counsell hauing obtained Licence and permission to confer with them and perswade them to an humble submission and penitence, as likewise that their two principall Procurators and Counsellors at Law not being able to perswade them to this same course of humilitie wherein they delt with them earnestlie, did vpon their obstinacie directly refuse to pleade for
them

them: and lastly, notwithstanding that they were publikly admonished by the Iudge the very tyme of their standing at the Barre, that putting off that maske of wilfulnesse (the onely thing which so blinded them from sight of their owne follies) they would humbly craue his Maiesties pardon, of whose great Clemencie, in case of their submission, all that were present had very great hopes, and vttered great assurances: Yet such was their malignant and indurate obstinacie, as hardening their harts against all these publicke and priuate perswasions and admonitions, they wilfully persisted in justifying their actions; Hauing still the assistance of so many Counsellours at Law as would stay with them: And the onely thing they could alledge for themselves why they should not go to the tryall of an Assise, was, that the said Statute of Maij 1584. was thereafter interpreted and limitted by a particular clause of a Statute made in 1592. wherein it is declared that the said Act made in 1584. against the declyning of the Counsels judgement, shall no way be prejudiciall nor derogat any thing to the priuiledges which God hath given to the Spiritual office-bearers in the Church, concerning heads of Religion, matters of Heresie, Excommunication, Collation or Depriuatiou of Ministers, or any such like essentiall Censures, specially grounded and hauing the warrant of the word of God. And herein they doe alledge that their meeting at that tyme in *Aberdene* being an essentiall censure, warranted by Gods Gods word, they might lawfully decline the Counsels judgement from taking cognition therein.

Where-vnto it was answered by his Maiesties Advocate of this his Highnesse Kingdome, That that their defence was to be repelled, because the keeping of an Assembly at a certaine time and place, and the appointing of

of another Assembly of new, contrarie to his Majesties charge, and against the will and command of his Highnesse Counsell of this Kingdome; and notwithstanding of the disassenting of his Majesties Commissioner; much lesse the keeping of that petty Conuenticle in the Towne of *Aberdene* that second of Iuly last past, is not any head of Religion, matter of Heresie, Excommunication, or essentiall Censure whatsoeuer; and so being no way vnder that limitation, must of all necessitie come vnder the generalitie of the former Statute in the 84. and they must haue incurred the paine of Treason for declyning the Counsels Iudgement, being called to their answere vpon their contempt. And likewise in that same very clause of interpretation of the former Act, howeuer it is declared that the said Statute shall no way make derogation to the Priuiledge that the Office-bearers in the Church haue giuen them concerning Religion, Heresie, and other Ecclesiasticall censures (wherein his Maiestie will be euer far from the assuming vnto himselfe any Papall and tyrannicall authoritie over the expresse word of God) Yet doth not that clause infer such a Priuatione of his Majesties Sovereignitie, as may denude him of that lawfull power which Christian Kings haue ouer the Churches that are within their dominions. The matter going to the triall of an Affise, these sixe are found guilty of high Treason and returned to their seuerall Prisons. And therefore as hereby this proud contempt and disobedience of this small handfull of Ministrie (to the very great grieve and sorrow of all the wel disposed of that profession in this kingdome) is clearly and truely set down (that the ignorance thereof should not be the occasion of mistaking by any, of the most iust and necessary causes enforcing this hard proceeding

ding against them) so are the said wilfull and obstinate persons to be left to their iust punishment for their deserts, where-vnto they haue most contentiously constrained his Maiesty, and in a maner extorted the same against his will.

And neuertheless, since there is no contempt whatsoever, but hath the owne fauorers, no folly but by some patronised and allowed, and that vpon vaine curiositie (notwithstanding of their knowledge to the contrary) some will not stick to maintaine Paradoxes and defend absurdities, which (howsoever in matters of friuolous and of no moment might be overslipt and not regarded) yet in such matters concerning his Maiesties Royall Authoritie, and the excusing or iustifying of high and proud contemptes by any sort or ranke of persons, so farre should wee of his Highnesse Counsell (in our duety and alleageance to our Prince and Soueraigne) be from any sort of carelesnesse or negligence, as hereby we haue thought meete to signifie his Maiesties speciall pleasure and will, that he doeth streightly command and charge all his Highnesse Subjects of this his Kingdome (of whatsoever, rank, place, calling, function or condition they be) that none of them presume to take vpon them, either in publique or priuate, to murmur or call in question any sorte, this his Maiesties prerogatiue and Authoritie Royall, or the lawfulness of this proceeding against the said Ministers, or any way to make constructions, or to mis-interpret that Acte of Parliament of the yeere 1584. concerning the declining of his Maiesties and his Counsels iudgement, otherwise then the same is made cleare and manifest by this present decision of the Iustice in the tryall of the said Ministers: with certification to them that shall contrauene the same, that

that they shall be really punished in the qualitie of seditious persons, and wilfull contemners of his Maiesties most just and lawfull gouernment,

Giuen at Edinburgh the *seventh*
day of *March* In the third yeere of his Maiesties
Raigne of Great Britaine, France and Ireland.
1606,

Edinburgh
Printed by Robert Charteris, Printer to
the Kings most excellent Majestie.
Anno Dom. 1606. Cum Privilegio Regie Majestatis.

